

MARSHA A. BEDWELL, State Bar No. 094860
General Counsel
AMY BISSON HOLLOWAY, State Bar No. 163731
Assistant General Counsel
GREGORY J. ROUSSEVE, State Bar No. 84262
Deputy General Counsel
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814
Telephone: (916) 319-0860
Facsimile: (916) 319-0155
groussev@cde.ca.gov

Attorneys for Defendants CDE/CSDF

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENNIFER CHANG, by and through her parents,
NORMAN AND LINA CHANG,,

Plaintiff,

v.

CALIFORNIA SCHOOL FOR THE DEAF,
CALIFORNIA DEPARTMENT OF EDUCATION,
and FREMONT UNIFIED SCHOOL DISTRICT,

Defendants.

Case No.C06-02337 JSW

STIPULATION BY STATE DEFENDANTS
AND PLAINTIFFS TO AMEND
SETTLEMENT AGREEMENT, AND
~~PROPOSED~~ ORDER

The parties through counsel, hereby stipulate to amend the Settlement Agreement made
between the parties and approved by this court August 31, 2007 for the following reasons:

1. The Settlement Agreement referenced above provides for amendment by mutual
agreement of the parties in paragraph IV.C.

2. The parties agree defendants California School for the Deaf and California Department
of Education have made diligent, good faith efforts to recruit an appropriate teacher or teachers for the

1 Special day class referenced in paragraph II.A. of the agreement, but to date have been unsuccessful in
2 finding a qualified teacher with the specific appropriate credentials as required in paragraph II.D.1. of
3 the agreement.

4 WHEREFORE, the parties hereby stipulate and agree to amend subparagraph II.D.1. of the
5 settlement agreement to read as follows:

6 This special needs day class will be staffed by a teacher or teachers who are trained and
7 credentialed to serve deaf and hard-of hearing students, proficient in American Sign Language
8 (ASL), and trained and credentialed to serve severely handicapped students. If no single person
9 can be found with all such qualifications, the special needs day class Project shall be staffed
10 using one of the following options:


11 (a) If one highly qualified teacher candidate is found who possesses one of the two
12 required teaching credentials along with sufficient signing skills and teaching
13 experiences/abilities for this unique population of students, then, upon J.C.'s consent, that
14 individual shall be deemed acceptable to be hired for the job without the need for a second
15 classroom teacher. Further, this individual shall complete the attainment of the second teaching
16 credential within three years of his or her initial employment date at California School for the
17 Deaf by taking college coursework on an ongoing basis while being employed at the California
18 School for the Deaf special needs class project.

19 (b) If only one teacher candidate is found for the special needs class project who
20 does not possess sufficient signing skills and teaching experiences/abilities for this unique
21 population of students, then the classroom will be staffed by two or more persons who
22 collectively possess such qualifications.

23 Preference will be given to teachers with experience in educating and providing interventions
24 for autistic and mentally retarded children, including, but not limited to, experience with the use
25 of picture exchange communication systems (PECS), positive behavioral interventions, applied
26 behavioral analysis (ABA) and/or discrete trial training, and sensory diets. All recruitment and
27 hiring of teachers shall be in accordance with CDE/CSDF's policies, procedures, and statutory
28 requirements.


1 IT IS SO STIPULATED:

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3 Dated: 7-11-08


GREGORY J. ROUSSEVE
Deputy General Counsel

Attorneys for Defendants
California Department of Education and
California School for the Deaf, Fremont

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9 Dated: 7/22/08


WILLIAM KOSKI
Youth and Education Law Project

Attorney for Plaintiffs

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13 **PROPOSED ORDER**

14 It is hereby ordered the Settlement Agreement previously approved by the Court on August 31,
15 2007 be amended as set forth herein;

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18 Dated: July 25, 2008


JEFFREY S. WHITE
U.S. District Judge